



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,002	05/25/2000	Christopher E. Pearce	062891.0407	7458
7590 01/17/2006 Baker Botts LLP 2001 Ross Avenue Dallas, TX 75201-2980			EXAMINER HOM, SHICK C	
			ART UNIT 2666	PAPER NUMBER

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/579,002		PEARCE ET AL	
	Examiner		Art Unit	
	Shick C. Horn		2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/21/05 & 11/16/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11, 13-20, 22-26, 28-39, 41-53, 55-66, 68, 70-73, 75 and 77-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) 11, 13-16, 25, 26, 30-35, 45, 49 and 57-62 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims rejected are 1-4,6-10,17-20,22-24,28,29,36-39,41-44,46-48,50-53,55,56,63-66,68,70-73,75 and 77-87.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/21/05 have been fully considered but they are not persuasive.

In page 27 of the remarks, applicant argued that Lee does not disclose a plurality of telephony devices coupled to the packet-based network and controlled by a plurality of call managers is not persuasive because col. 4 lines 29-42 recite the devices communicating across an IP network, the system being an IP telephony system, and the service provider managing the IP telephony for its users; further, Fig. 1 shows the plurality of telephony devices (120, 122, 128, 126) coupled to the packet-based network (102) and controlled by a plurality of call managers (152, 106, 108). In page 28 of the remarks, applicant argued that Lee does not disclose determining a line control process associated with the telephone number, communicating the call request to the line control process, determining a device process controlling each telephony device associated with the telephone number, and communicating the call request from the line control process to the device process is not persuasive because a line control process and a device process can be any hardware or software or processor-based device that controls

Art Unit: 2666

access by the terminals clearly any ATM switching unit, PSTN, IP network (such as the PSTN and IP network shown in Fig. 1 and ATM network recited in col. 1 lines 22-32) reads on a line control unit and the server including a plurality of databases for storing user's information reads on the device processor; further col. 11 lines 17-53 which recite the phone having a 10-digit identification number being used to access the phone via the PSTN or wireless network clearly reads on determining the line control process associated with the telephone number in the call request and determining a device process controlling each telephony device associated with the telephone number, and communicating the call request from the line control process to the device process.

Claim Objections

2. Claims 28-29 are objected to because of the following informalities: It appears that claims 28-29 depend from succeeding claim 82 is a typo. If that is correct, then in claims 28 and 29 line 1 delete "claim 82" and insert ---claim 17---. Appropriate correction is required.

Art Unit: 2666

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-10, 17-20, 22-24, 28-29, 36-39, 41-44, 46-48, 50-53, 55-56, 63-66, 68, 70-73, 75, and 77-87 are rejected under 35 U.S.C. 102(e) as being anticipate by Lee et al. (6,751,459).

Regarding claims 1-2, 7, 17-18, 28, 36-37, 41, 46-48, 50-51, 63-66, 70-73, 77-87:

Lee et al. disclose a method for routing calls in a packet-based network, comprising: an Internet Protocol (IP) network; and the plurality of telephony devices comprise IP telephony devices; receiving a line registration request from a first telephony device requesting a line appearance associated with a first telephone number; determining that a line control process associated with the first telephone number has not been created; creating a line control process associated with the

Art Unit: 2666

first telephone number and operable to manage calls placed to the first telephone number (see col. 4 lines 9-42 which recite the IP network operating according to the Internet Protocol for routing packets including IP telephony communications as in claims 2, 18, 37, 51 and col. 15 line 65 to col. 16 line 22 which recite the communication setup for telephone network including the steps of receiving a user registration request and establishing a session with the requesting personal mobility domain name service user application); receiving a call request at a first call manager from a device coupled to the packet based network, the call request including s the first telephone number associated with the first telephony device and with one or more other telephony devices coupled to the packet-based network and controlled by a plurality of call managers; accessing a registration information table to determine a process identification (PID) of a the line control process associated with the first telephone number included in the call request; communicating the call request to the line control process using the PID; determining a device process controlling each telephony device associated with the first telephone number included in the call request; and communicating the call request from the line control process to the device processes (see col. 4 lines 29-42 which recite the gatekeeper provided to manage IP

Art Unit: 2666

telephony for users including being employed to initiate IP telephony communication and Fig. 4 which shows the table representing the plurality of user records, including the PID, stored in the server database and col. 11 lines 17-53 which recite the phone number used to access the phone and IP terminal having a IP address whereby the PID is used to identify the particular user associated with the user records) as in claims 1, 17, 36, 50, 66, 73; wherein the step of determining include determining the location of at least one device process associated with each line control process (see abstract which recite the IP address of the user's location being used in concert with the terminal's identifier to route requests to the current location of the user) as in claims 17, 36.

Regarding claims 3, 19, 38, 52:

Lee et al. disclose wherein receiving a call request at the first call manager from the device coupled to the packet-based network comprises receiving the call request from a telephony device coupled to the packet-based network (see col. 5 line 66 to col. 6 line 15 which recite the PMDNS server receiving a request from the user terminal for telephony service).

Regarding claims 4, 6, 20, 22, 39, 53, 68, 75:

Lee et al. disclose wherein receiving a call request at the first call manager from the device coupled to the packet-based

Art Unit: 2666

network comprises receiving a call request from a gateway device coupled to the packet-based network, the gateway device receiving the call request from a telephony device external to the packet-based network (see col. 15 line 65 to col. 16 line 5 which recite the user application querying the other gateway for the terminal identifier to make the connection requested and the other gateway then initiates setup of the communication clearly reads on the first call manager receiving a call request from a gateway device and the call request being executing at a second call manager).

Regarding claims 10, 29, 44:

Lee et al. disclose further comprising: communicating the call request from a device process to the telephony device controlled by the device process; receiving a call proceed signal from the telephony device indicating acceptance of the call request; and communicating the call proceed signal from the device process to the line control process (see col. 7 lines 20-39 which recite the interface accepting the launched PID from the caller by returning the to the caller the selected TID of the called user clearly reads on receiving the signal from the device indicating acceptance of the call request).

Regarding claims 8, 23, 42, 55:

Art Unit: 2666

Lee et al. disclose wherein communicating the call request from the line control process to the device processes comprises communicating the call request to the device processes in parallel (see col. 11 lines 3-16 which recite the plurality of separate computers for servicing the requests quickly clearly reads on communicating to the device processes in parallel). Regarding claims 9, 24, 43, 56:

Lee et al. disclose wherein communicating the call request from the line control process to the device processes comprises communicating the call request to the device processes in series (see col. 10 line 60 to col. 11 line 2 which recite directing the requests to one server computer clearly reads on communicating to the device processes in series).

Allowable Subject Matter

5. Claims 11, 13-16, 25-26, 30-35, 45, 49, and 57-62 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2666

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH



DANG TON
PRIMARY EXAMINER